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BOARD OF ZONING APPEALS CITY OF JOHNSON CITY, TENNESSEE

Minutes of the Meeting of
September 2, 2014

The Board of Zoning Appeals held its meeting on September 2nd at 6:00 p.m. in the City Commission Chambers of the Municipal and Safety Building.

Members Present

Dr. Mike Marchioni, Chairman
Robert Thomas, Vice Chairman
Dwight Harrell
Jenny Lockmiller

Staff Present

Steve Neilson, Development Coordinator

The meeting was called to order at 6:00 p.m.

Minutes

The Minutes of the August 5th meeting were considered for approval.

MOTION: Thomas To approve the minutes of the August 5th.

SECOND: Lockmiller

VOTE: Approved 3 - 0

Case Number 786-1

Mr. Neilson stated that this was a variance request to reduce the front yard setback from 20 feet to 10 feet in order to construct four single-family homes at 127, 131, 137, and 141 Ridgeway Drive. The petitioner indicated that the lots are so steep that in order to meet the 20 foot setback it would require extensive fill and would be cost prohibitive. Because of this, he has been unable to sell the lots. Mr. Neilson presented site plans provided by the petitioner showing only the side entry garages encroaching into the setback.

Mr. Neilson stated that in order to justify any variance, a special circumstance or condition must exist that is unique to the property. Reasons include; exceptional narrowness, exceptional topographic conditions, shallowness or shape of a specific piece of property. He stated that the lots were very steep, dropping approximately 50 feet from the street to the rear of the property. He stated that because of the steepness of the lots, a special circumstance or condition did exist

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that is specific to the property. He stated that the property met the criteria for a variance and he then recommended approval of this request.

Mr. Neilson stated that he had received several calls and emails from adjoining property owners who were opposite to this variance request and presented the Board with a petition signed by several neighbors.

Mr. Michael Garland, spoke in favor of the request. He stated that due to the steepness of the lots he has been unable to sell the lots. He stated that the variance would encourage further development.

Mr. Eric Schwartz of 144 Ridgetop Dr. spoke in opposition of the request. He stated that he was concerned that building so close to the street, if there were bedrooms above the garage, people would be looking directly into their living rooms. He built under the terms of the original development; he felt that Mr. Garland should as well.

Ms. Pam Diebold of 140 Ridgetop Dr. also spoke in opposition of the request. She stated that she abided by all the bylaws and guidelines as well as all the homes in the subdivision and so should the developer.

Mr. Russell Kloosterman, an attorney representing the neighborhood spoke in opposition of the request. He stated that he knew of no good cause to approve the variance and respectfully requested the Board deny the request.

Mr. Harrell expressed concerns about future phases of the subdivision and the likelihood that the petitioner would be back at a later date requesting additional variances. Mr. Garland stated that the future phases took into consideration the steep topography and hopefully there would be no need for future variances.

Dr. Marchioni questioned Mr. Garland about the space above the garages. Mr. Garland indicated that the site plans were for demonstration purposes and may not represent what is actually built. He did believe that the space above the garage would be a bonus room or a bedroom. However, he stated that the lots were staggered with the lots across the street so that the houses would not line up with each other.

After considerable discussion Mr. Harrell stated that due to topographic constraints, he moved to approve the variance request to allow the garage to encroach into the setback up to ten feet provided no bedroom is located above the garage.

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MOTION: Harrell Due to topographic constraints, he moved to approve the variance request to allow the garage to encroach into the setback up to ten feet provided no bedroom is located above the garage.

SECOND: Lockmiller

VOTE: Approved 3-0

There being no further business, the meeting adjourned at 7:51 p.m.

APPROVED:

Dr. Mike Marchioni, Chairman
Board of Zoning Appeals

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